

Exhibit “A”



CORPORATION SERVICE COMPANY

Notice of Service of Process

Transmittal Number: 11618342
Date Processed: 09/19/2013

Primary Contact: Carrie Morra
Greenspoon Marder, P.A.
Trade Center South
Suite 700 100 W Cypress Creek Rd
Fort Lauderdale, FL 33309

Entity:	Caribbean Cruise Line, Inc. Entity ID Number 2721314
Entity Served:	Caribbean Cruise Line, Inc.
Title of Action:	Deanna Byrd vs. Caribbean Cruise Line, Inc.
Document(s) Type:	Summons/Complaint
Nature of Action:	Class Action
Court/Agency:	San Diego County Superior Court, California
Case/Reference No:	37-2013-00063078-CU-MC-CTL
Jurisdiction Served:	Florida
Date Served on CSC:	09/18/2013
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Eric M. Overholt 619-296-5884

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: Caribbean Cruise Line, Inc., a
(AVISO AL DEMANDADO): Florida corporation; and
DOES 1-10, inclusive.

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CIVIL 10/15/13

2013 OCT 15 P 2

YOU ARE BEING SUED BY PLAINTIFF: Deanna Byrd, et. al
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información e continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a retener las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Diego Superior Court
330 W. Broadway Street
San Diego CA 92101

CASE NUMBER:

(Número del Caso):

37-2013-00063078-CU-MC-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Eric M. Overholt, Esq.
Law Offices of Hiden, Rott, & Oertle LLP
2635 Camino del Rio South, Suite 306
San Diego CA 92108

619-296-5884 619-296-5171

DATE: August 15, 2013

Clerk, by

(Secretario)

Deputy

(Adjunto)

(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
- ☐ other (specify):
4. ☐ by personal delivery on (date):

(SEAL)

COPY

HIDEN, ROTT & OERTLE, LLP
A Limited Liability Partnership
Including Professional Corporations
MICHAEL IAN ROTT, ESQ. (C.S.B. 169468)
ERIC M. OVERHOLT, ESQ. (C.S.B. 248762)
2635 Camino del Rio South, Suite 306
San Diego, California 92108
Telephone: (619) 296-5884
Facsimile: (619) 296-5171

Attorneys for Plaintiff Deanna Byrd, individually, and on behalf of all other similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

DEANNA BYRD, individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

CARIBBEAN CRUISE LINE, INC., a Florida
corporation; and DOES 1-10, inclusive,

Defendants.

Case No. 37-2013-00063073-CU-MC-CTL

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Deanna Byrd, on behalf of herself and all others similarly situated, alleges the following upon information and belief based upon investigation of counsel, except to her own acts, which she alleges upon personal knowledge.

PARTIES

1. Plaintiff Deanna Byrd is a resident of the state of California.
2. Defendant Caribbean Cruise Line, Inc. is a Florida corporation that does business

in California.

3. The true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the

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1 unlawful acts alleged herein. Plaintiff will seek leave of Court to amend this Complaint to reflect
2 the true names and capacities of the DOE Defendants when such identities become known.

3 4. At all relevant times, each and every Defendant was acting as an agent and/or
4 employee of each of the other Defendants and was acting within the course and/or scope of said
5 agency and/or employment with the full knowledge and consent of each of the Defendants. Each
6 of the acts and/or omissions complained of herein were alleged and made known to, and ratified
7 by, each of the other Defendants (Caribbean Cruise Line, Inc. and Doe Defendants will hereafter
8 collectively be referred to as "Defendant").

9 II

10 JURISDICTION AND VENUE

11 5. This Court has jurisdiction over all causes of action asserted herein.

12 6. Venue is proper in this Court because Defendant knowingly engages in activities
13 directed at consumers in this County and conducted wrongful conduct alleged herein against
14 residents of this County.

15 7. Defendant and other out-of-state participants can be brought before this Court
16 pursuant to California's "long-arm" jurisdictional statute.

17 III

18 FACTS

19 8. In January, 2013 while located in California, Plaintiff called Defendant at
20 (877)369-4588 from a wireless telephone. Plaintiff spoke to an employee of Defendant who
21 identified himself as "Marty" to inquire about creating travel plans with Defendant. Plaintiff
22 spoke to "Marty" and they proceeded to have a sensitive, private and confidential discussion
23 wherein Plaintiff provided her name and social security number, and also discussed some
24 financial difficulties she was experiencing.

25 9. Plaintiff was not aware that the call was being recorded. Defendant did not, at any
26 point during the telephone conversation with Defendant's customer service representative, advise
27 Plaintiff that the call was being recorded. Plaintiff did not give either express or implied consent
28 to the recording.

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10. After completing her call, Plaintiff learned that Defendant records *all* incoming telephone calls but does not disclose this to all callers.

11. Plaintiff expected that her telephone call would be private (i.e., neither recorded nor monitored) due to the sensitive and confidential nature of the conversation.

12. Plaintiff's subjective expectation of privacy was objectively reasonable based upon prevailing societal norms. Indeed, one recent poll showed that 73% of Americans believe that it is "extremely important" that conversations never be recorded or monitored without the consent of all parties. *See Harris Poll #17, March 19, 2003; see also Katz, Privacy and Information Technology, Public Opinion Quarterly 54, no. 1 (1990), at 125-143 (concluding that privacy of telephone calls is very important to most Americans and that the idea of secretly recording or monitoring of telephone calls is upsetting to a majority of people).*

IV

CLASS ACTION ALLEGATIONS

13. Plaintiff brings this class action for damages and other monetary relief on behalf of the following class:

"All persons located in California whose telephone conversations with Defendant were intentionally recorded without disclosure by Defendant at any time during the statute of limitations period through the date of final judgment in this action." (the "Class").

14. Excluded from the Class are governmental entities, Defendant, any entity in which Defendant has a controlling interest, and Defendant's officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns, and individuals bound by any prior settlement. Also excluded from the Class is any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staff.

15. The proposed Class is so numerous that individual joinder of all its members is impracticable. Due to the nature of the trade and commerce involved, however, Plaintiff believes that the total number of Class members is at least in the tens of thousands and members of the Class are numerous and geographically dispersed across California. While the exact number and

1 identities of the Class members are unknown at this time, such information can be ascertained
 2 through appropriate investigation and discovery. The disposition of the claims of the Class
 3 members in a single class action will provide substantial benefits to all parties and to the Court.

4 16. There is a well-defined community of interest in the questions of law and fact
 5 involved affecting the plaintiff class and these common questions predominate over any
 6 questions that may affect individual Class members. Common questions of fact and law, which
 7 will generate common answers include, but are not limited to, the following:

- 8 a. Whether Defendant intentionally records telephone calls;
- 9 b. Whether Defendant discloses its intentional recording of telephone communications; and
- 10 c. Whether Defendant's conduct constitutes a violation of California Penal Code section
 11 632.7.

12 17. Plaintiff's claims are typical of the claims of the members of the Class. Plaintiff
 13 and all members of the Class have been subjected to Defendant's common course of unlawful
 14 conduct as complained of herein and are entitled to the same statutory damages based on
 15 Defendant's wrongful conduct as alleged herein.

16 18. Plaintiff will fairly and adequately represent and protect the interests of the Class.
 17 Plaintiff has retained counsel with substantial experience in handling complex class action
 18 litigation. Plaintiff and his counsel are committed to vigorously prosecuting this action on behalf
 19 of the Class and have the financial resources to do so.

20 19. A class action is superior to other available methods for the fair and efficient
 21 adjudication of the present controversy. Individual joinder of all members of the class is
 22 impracticable. Even if individual class members had the resources to pursue individual litigation,
 23 it would be unduly burdensome to the courts in which the individual litigation would proceed.
 24 The conduct of this action as a class action conserves the resources of the parties and of the
 25 judicial system and protects the rights of the class members. Furthermore, for many, if not most,
 26 a class action is the only feasible mechanism that allows an opportunity for legal redress and
 27 justice.

28 20. Notwithstanding any allegation or inference to the contrary contained herein,

1 Plaintiff disclaims any cause of action arising under the United States Constitution or any federal
2 statute. The total amount in controversy does not exceed \$5,000,000.

3 V

4 CAUSE OF ACTION

5 Penal Code § 632.7

6 (By Class Against All Defendants)

7 19. Plaintiff incorporates by this reference the allegations contained in the preceding
8 paragraphs above as if fully set forth herein.

9 20. Section 632.7 prohibits the intentional, non-consensual recording of any telephone
10 communication without the consent of all parties where at least one party to the conversation is
11 either using a cordless or cellular telephone. No expectation of confidentiality or privacy is
12 required, nor is any other wrongful or surreptitious intent required — only that the defendant
13 intended to record the communication.

14 21. Plaintiff is informed and believes, and thereon alleges that Defendant knowingly
15 violated Cal. Pen Code § 632.7 by intentionally recording calls with persons using cordless or
16 cellular telephones, including Plaintiff.

17 22. Based on the foregoing violations, Plaintiff and the Class are entitled to and seek
18 the statutory remedies provided in section 637.2 of the California Penal Code. Plaintiff does not
19 allege common law violation of privacy nor does Plaintiff seek actual damages other than
20 statutory damages.

21 23. Plaintiff and the Class further seek attorneys' fees pursuant to section 1021.5 of
22 the California Code of Civil Procedure, or any other applicable statute, as this action enforces an
23 important right affecting the public's interest.

24 VI

25 PRAYER FOR RELIEF

26 WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for relief and
27 judgment as follows:
28

1. For preliminary and permanent injunctive relief enjoining Defendant, its agents, servants and employees, and all persons acting in concert with them, from engaging in this illegal practice;
2. For certification of the putative class;
3. For attorneys' fees and expenses pursuant to all applicable laws including, without limitation, Code of Civil Procedure §1021.5 and the common law private attorney general doctrine;
4. For costs of suit; and
5. For such other and further relief as the Court deems just and proper.

VII


DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all claims and causes of action so triable in this lawsuit.

DATED: August 8, 2013

HIDEN, ROTT & OERTLE, LLP

By:


Eric M. Overholt, Esq.
Attorneys for Plaintiff Deanna Byrd,
individually, and on behalf of all other similarly
situated

Composite Exhibit “B”



Superior Court of California, County of San Diego - Register of Actions

Case Number Search	Participant Name Search	Shopping Cart	FAQ	Printer Friendly Version
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Register of Actions (ROA)

Case Information

Case Number: 37-2013-00063078-CU-MC-CTL Date Filed: 08/16/2013
 Case Title: Byrd vs. Caribbean Cruise Line, Inc [E File] Case Status: Pending
 Case Category: Civil - Unlimited Location: Central
 Case Type: Misc Complaints - Other Judicial Officer: John S. Meyer
 Case Age: 55 days Department: C-61

Future Events

Participants

Name	Role	Representation
Byrd, Deanna	Plaintiff	ROTT, MICHAEL IAN
Caribbean Cruise Line, Inc	Defendant	

Representation

Name	Address	Phone Number
ROTT, MICHAEL I	HIDEN ROTT & OERTLE LLP 2635 CAMINO DEL RIO SOUTH STE 306 SAN DIEGO CA 92108	(619) 296-5884

Register of Actions					
<div> <div>All Entries</div> <div>Filing Entries</div> <div>Minutes Entries</div> <div>Scheduling Entries</div> </div>					
1					
ROA#	Entry Date	Short/Long Entry	Filed By	Document	Cart
7	08/16/2013	Case initiation form printed.		Notice of Case Assignment SD	Add to Cart
6	08/16/2013	Civil Case Management Conference scheduled for 03/07/2014 at 09:45:00 AM at Central in C-61 John S. Meyer.			
5	08/16/2013	Case assigned to Judicial Officer Meyer, John.			
4	08/16/2013	Summons issued.			
3	08/16/2013	Civil Case Cover Sheet filed by Byrd, Deanna. \nRefers to: Caribbean Cruise Line, Inc	Byrd, Deanna (Plaintiff)	Civil Case Cover Sheet	Add to Cart
2	08/16/2013	Original Summons filed by Byrd, Deanna. \nRefers to: Caribbean Cruise Line, Inc	Byrd, Deanna (Plaintiff)	Original Summons	Add to Cart
1	08/16/2013	Complaint filed by Byrd, Deanna. \nRefers to: Caribbean Cruise Line, Inc	Byrd, Deanna (Plaintiff)	Complaint	Add to Cart

1

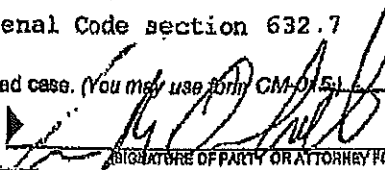
THE INFORMATION IN THIS REGISTER OF ACTIONS IS PROVIDED AS IS, WITHOUT WARRANTY BY THE SAN DIEGO SUPERIOR COURT AS TO CONTENT OR ACCURACY OF THE INFORMATION. The Entry Date on the Register of Actions may not always reflect the actual filing date of a document and not all documents filed with the Court are listed on the Register of Actions. It is recommended that users refer to the case file for confirmation.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric M. Overholt, Esq. (SBN: 248762) Law Offices of Hiden, Rott, & Oertle, LLP 2635 Camino del Rio South, Suite 306 San Diego CA 92108		FOR COURT USE ONLY CM-010 CIVIL CASE COVER SHEET 2013 AUG 15 PM 2:45 5:05 PM 2013
TELEPHONE NO: 619-296-5884 FAX NO: 619-296-5171 ATTORNEY FOR (Name): Plaintiff, Paul Villegas, et. al		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway Street MAILING ADDRESS: CITY AND ZIP CODE: San Diego CA 92101 BRANCH NAME: Central Branch		
CASE NAME: Byrd vs. Caribbean Cruise Line, Inc., a Florida corporation, and DOES 1-10, inclusive.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: 37-2013-00083070-CU-MC-CYL JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) Other PIPD/W (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (46) <input type="checkbox"/> Other PIPD/W (23) Non-PI/PD/W (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (19) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/W tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (30) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (2b) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1- Violation of Penal Code section 632.7
5. This case ☐ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: August 15, 2013
- Eric M. Overholt, Esq. (SBN: 248762)**
 (TYPE OR PRINT NAME)
- 
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rules.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (48) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PUPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PUPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PUPD/WD

Non-PUPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (19)
Fraud (18)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PUPD/WD Tort (38)
Employment
Wrongful Termination (38)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 2.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 W Broadway	
MAILING ADDRESS: 330 W Broadway	
CITY AND ZIP CODE: San Diego, CA 92101-3827	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7061	
PLAINTIFF(S) / PETITIONER(S): Deanna Byrd	
DEFENDANT(S) / RESPONDENT(S): Caribbean Cruise Line, Inc	
BYRD VS. CARIBBEAN CRUISE LINE, INC	
NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE on MANDATORY eFILE CASE	CASE NUMBER: 37-2013-00063078-CU-MC-CTL

CASE ASSIGNMENT

Judge: John S. Meyer

Department: C-61

COMPLAINT/PETITION FILED: 08/16/2013

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	03/07/2014	09:45 am	C-61	John S. Meyer

A case management statement must be completed by counsel for all parties or self-represented litigants and timely filed with the court at least 15 days prior to the initial case management conference. (San Diego Local Rules, Division II, CRC Rule 3.725).

All counsel of record or parties in pro per shall appear at the Case Management Conference, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of ADR* options.

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, parking citation appeals, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants, and a Certificate of Service (SDSC form #CIV-345) filed within 60 days of filing.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

JURY FEES: In order to preserve the right to a jury trial, each party demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) for each party on or before the date scheduled for the initial case management conference in the action.

MANDATORY eFILE: Case assigned to mandatory eFile program per CRC 3.400-3.403 and SDSC Rule 2.4.11. All documents must be eFiled at www.onelegal.com. Refer to General Order 010313 at www.sdcourt.ca.gov for guidelines and procedures.

*ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2013-00063078-CU-MC-CTL CASE TITLE:

Byrd vs. Caribbean Cruise Line, Inc

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, Individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The Judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncronline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.ncdlifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		FOR COURT USE ONLY
STREET ADDRESS: 330 West Broadway		
MAILING ADDRESS: 330 West Broadway		
CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827		
BRANCH NAME: Central		
PLAINTIFF(S): Deanna Byrd		
DEFENDANT(S): Caribbean Cruise Line, Inc		
SHORT TITLE: BYRD VS. CARIBBEAN CRUISE LINE, INC		
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)		CASE NUMBER: 37-2013-00063078-CU-MC-CTL

Judge: John S. Meyer

Department: C-61

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- ☐ Mediation (court-connected)
 ☐ Non-binding private arbitration
☐ Mediation (private)
 ☐ Binding private arbitration
☐ Voluntary settlement conference (private)
 ☐ Non-binding judicial arbitration (discovery until 15 days before trial)
☐ Neutral evaluation (private)
 ☐ Non-binding judicial arbitration (discovery until 30 days before trial)
☐ Other (specify e.g., private mini-trial, private judge, etc.): _____

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 08/16/2013

JUDGE OF THE SUPERIOR COURT

SDSC CV-159 (Rev 12-10)

STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION

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Exhibit “C”

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

DEANNA BYRD, individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

Case No.: 37-2013-00063078-CU-MC-CTL

CARIBBEAN CRUISE LINE, INC., a Florida
corporation; and DOES 1-10, Inclusive,

Defendants.

NOTICE OF FILING NOTICE OF REMOVAL

Defendant, CARIBBEAN CRUISE LINE, INC. ("CCL") hereby files the attached Notice of Removal filed in the United States District Court, Southern District of California on October 17, 2013. Pursuant to 28 U.S.C. § 1446(d), the filing of this notice effects the removal of this case, and this Court shall proceed no further unless the case is remanded from the District Court.

Dated: October 17, 2013

Respectfully submitted,



LAW OFFICES OF DARREN LANDIE

Darren Landie, Esq.
2600 Walnut Ave., Suite E
Tustin, CA 92780
(714)544-3291
Fax (714)544-2736
darren@landielaw.com

Attorney for Defendant Caribbean Cruise Line, Inc.

Byrd v. Caribbean Cruise Line
Defendants' Notice of Filing Notice of Removal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all counsel of record via Electronic and U.S. Mail and electronically filed with the Clerk for the San Diego Superior Court on this 17th day of October, 2013.

Eric M. Overholt, Esq.
Law Offices of Hiden, Rott & Oertle, LLP
2635 Camino del Rio South, Suite 306
San Diego, CA 92108
Attorney for Plaintiff

The Clerk of Superior Court of California, San Diego
Central Branch
330 W Broadway
San Diego, CA 92101

A handwritten signature in black ink, appearing to read 'D. Landie', written over a horizontal line.

DARREN LANDIE, ESQ.